



THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

AF
3729

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Corres. and

BOX

In re application of

Kanji HATA et al.

Serial No. 09/010,490

Filed January 21, 1998

:

Docket No.00177/527415

: Group Art Unit 3729

: Examiner S. SMITH

COMPONENT MOUNTING APPARATUS
AND METHOD, AND COMPONENT
MOUNTING EQUIPMENT

#22

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**REQUEST THAT THE FINALITY OF THE PREVIOUS
OFFICE ACTION BE WITHDRAWN**

Assistant Commissioner for Patents,
Washington, D.C.

Sir:

In the Final Office Action mailed January 30, 2001, the Examiner rejects claim 18 based on a new grounds of rejection, i.e. Dornes in view of JP 63178596. On page 7 of the Office Action, the Examiner states:

"Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, THIS ACTION IS MADE FINAL."

However, on page 15 of the amendment filed November 13, 2000, the Examiner's attention was directed to the fact that claim 18 expressly required a component mounting head section having a plurality of component suction nozzles. The response referred to the First Office Action in which the Examiner acknowledged that the

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Dornes and JP '499 references did not show the required plurality of suction nozzles.

Furthermore, claim 18 was not amended in response to the First Office Action, and therefore the Examiner's statement that the new grounds of rejection was required by the amendment is factually incorrect.

Furthermore, it is further noted that the first response specifically stated that if the Examiner were to reject claim 18 in a subsequent action, "such rejection must be presented in a Non-Final Office Action."

Clearly, the new grounds of rejection of claim 18 was not necessitated by the amendment filed on November 13, 2000, because such amendment did not change any limitation of claim 18 in any respect. Thus, the shift by the Examiner to the new grounds of rejection was clearly not necessitated by the amendment.

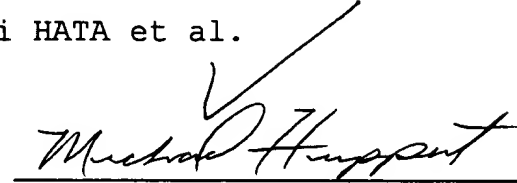
In view of the Examiner's statement describing the Dornes and JP '499 references in the First Office Action, there is no question that the applied grounds of rejection did not meet each limitation of claim 18 as originally presented. Accordingly, it is clearly improper for the Examiner to attempt to cure the deficiencies of the original rejection by presenting a new grounds of rejection in a Final Office Action.

In view of the above, it is submitted that the finality of the previous Office Action must be withdrawn.

Respectfully submitted,

Kanji HATA et al.

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March 30, 2001

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